

## **Waxman's Out of Power, Not Out of Fight**

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Just the other day, Henry Waxman was sitting in the Speaker's lobby outside of the House floor chatting with a newsmagazine reporter when a cloud of cigarette smoke rudely wrapped itself around his head.

The Los Angeles Democrat waved disgustedly at his unwelcomed turban, muttering something to the effect of "Can you believe this?"

Even harder to believe is that only last year Waxman had the heads of the nation's seven tobacco giants standing before Congress, their right hands sheepishly raised to testify under oath about the evils of cigarettes.

But much has changed since the Democrats crash-landed at the polls last November, and few have felt the new majority's sting more than Waxman, an unapologetic liberal whose cunning style of lawmaking has slowly, almost imperceptibly, built the government-sponsored health care system the GOP so reviles.

He spent 22 years in Congress expanding Medicaid for the poor and elderly; he has spent the past 10 months watching most of it unravel. Many of the GOP's biggest targets of Medicaid, clean air standards, safe drinking water, pesticide control, nursing home regulations -- were crafted by Waxman, some of them painstakingly expanded over years of time, provision after provision, tucked into law after law.

Now some GOP freshmen treat this former chairman of the powerful Commerce health and environment subcommittee -- one of perhaps a dozen most powerful congressmen in the 1980s and early 1990s -- with a bold disrespect not usually accorded a veteran lawmaker. They snub him like a fallen king and dismiss him without hearing his once-venerated point of view. One Republican recently threatened on the House floor to "teach him a lesson." Newt Gingrich has alluded to him by name as one of the lawmakers responsible for just the sort of intrusive government the new majority intends to fix.

To look at Waxman you'd think they were beach bullies kicking sand in a little guy's face. He looks like 5 feet 5 inches of mediocrity. The three words journalists most often use to describe him are "short, bald and pudgy." He drives a 6-year-old, light blue Toyota that is neither flashy nor a junker. He is a devoted family man, soft-spoken, very religious, keeps kosher. His standard busy-day lunch is tuna on wheat toast with an apple. No hum. No pets, no vices, hardly ever yells.

But behind the doors of Congress, Henry Waxman can be ruthless. Critics likened his treatment of the Tobacco Seven to Joe McCarthy, a show trial intended to bring a powerful industry publicly to its knees. Sen. Alan Simpson, a Wyoming Republican, is said to have once tottered out of an all-night conference session to declare Waxman "tougher than a boiled owl." His Democratic ally, Rep. George Miller of Martinez, Calif., once quipped to a Washington political journal that he thought Waxman's first name was "sonuvabitch," because everyone on the Budget Committee kept asking "Do you know what that sonuvabitch Waxman wants now?"

Still, few could blame this 56-year-old, 11-term Democrat if he took this whole Republican revolution thing personally and went home. Plenty of his fellow Democrats have done precisely that, unwilling or unable to adjust to a House they do not control for the first time in four decades.

But a surrender so early in the game would be characteristically un-Waxman. Known as one of the scrappiest members of Congress, he has never been one to shrink from a fight, whether it be with Democrats who outranked him or a Republican President. So if he can no longer grill tobacco executives

on network TV, he unobtrusively reads into the Congressional Record incriminating documents that might be used to expand the FDA's right to regulate tobacco. If he cannot dictate the committee agenda to increase entitlements for the nursing homes' elderly, he can work the halls of the Senate, reminding moderate Republicans of the horrors of bedsores and neglect, of over-drugging that is cheaper than quality care.

"If you believe in things, then you fight for those positions," Waxman said, his frame enveloped in a blue leather chair in his Washington office, the Capitol dome luminescent in the autumn air behind him. "People asked me after the Republicans got control of Congress how it feels not to get my way anymore. And I said, wait a minute, I didn't always get my way before. I believe in continuing to make the arguments and fight the fights and figure out where the opportunities are."

He is scrambling to find a strategy that works. The goal now is not to advance legislation for the poor, pregnant, elderly and disabled, but to -- in the words of one Waxman aide -- "make things less worse."

And to wait for the inherent volatility of national politics to explode again. Wasn't that George Bush, popularity surging after the Persian Gulf War, declared unbeatable by the pundits in 1991? Wasn't that the Democratic Party, newly in control of Congress and the presidency, thought to be invincible in 1993?

With his Westside district devotedly Democratic and his coffers overflowing, Henry Waxman has the luxury of time. And, unlike his frustrated colleague, 20-year veteran Rep. Anthony Beilenson (D- Los Angeles ), who announced Wednesday that he is not running for reelection when his term ends, Waxman is hanging in there.

"Even if they succeed in repealing his legislation, he'll be back," press secretary Phil Schiliro said in a House office cafeteria that, in further irony, reeked of smoke. "Maybe next year or the year after or the year after that, he knows one day he'll chair the Commerce Committee. And if they skew the system against the poor or the middle class, he knows he'll be able to take care of it. He's done it against the odds in the past. He'll do it again."